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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,850	12/10/2001	Robert J. Davies	GB 000186	8500

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,850

Applicant(s)

DAVIES, ROBERT J.

Examiner

Barry W Taylor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/10/01, 3/10/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities: The appropriate headings need to be placed in each section of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-13, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakatsuyama (6,658,231).

Regarding claim 1. Nakatsuyama teaches a portable reproduction device for playing selected messages from a plurality of broadcast signal message streams (Title, abstract), the portable reproduction device comprising:

a receiver (item 40 figure 1) for receiving broadcast messages (see broadcast messages 34 and 36 figure 1);

a filter for filtering the received messages and selecting messages from one or more selected message streams, the filter connected to a memory for storing a filter block identifying the selected message streams (see receiver 40 figure 2, col. 6 line 43 – col. 7 line 65); and

an output device for outputting the filtered messages (see speaker item 64 or headphone item 66 figure 1);

wherein the portable reproduction device is arranged to receive filter blocks transmitted to the portable reproduction device and to store them in filter memory to update the filter and hence update the selection of message streams for output (col. 2 lines 26-30, lines 43-51, col. 5 lines 59-63, col. 6 lines 57-65, col. 7 lines 63-65, col. 8 lines 51-63, col. 12 lines 26-29, lines 41-46).

Regarding claim 2. Nakatsuyama teaches the reproduction device wherein the filter blocks are received on the receiver for receiving broadcast messages (col. 2 lines 26-30, lines 43-51, col. 5 lines 59-63, col. 6 lines 57-65, col. 7 lines 63-65, col. 8 lines 51-63, col. 12 lines 26-29, lines 41-46).

Regarding claim 3. Nakatsuyama teaches a portable reproduction device arranged to extract filter blocks from the received broadcast message and to store in the filter memory (col. 2 lines 26-30, lines 43-51, col. 5 lines 59-63, col. 6 lines 57-65, col. 7 lines 63-65, col. 8 lines 51-63, col. 12 lines 26-29, lines 41-46).

Regarding claims 5 and 15. Nakatsuyama teaches a portable device further comprising a sound transducer for playing audio messages selected by the filter (see item 62 figure 2).

Regarding claim 6. Nakatsuyama teaches using headphones (item 66 figure 2, col. 7 lines 15-17).

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Regarding claim 7. Nakatsuyama teaches a user control for accepting or rejecting filter blocks received at the portable device (see user input system item 58 figure 2).

Regarding claims 8 and 12. Nakatsuyama teaches conditional access (col. 4 lines 57-60).

Regarding claim 9. Nakatsuyama teaches a system (item 10 figure 1) for receiving broadcast messages comprising:

a portable reproduction device (see item 40 figure 1); and

an update control device (item 12 figure 1) having input for inputting information regarding the blocks to be filtered (see user profile database items 14-15 figure 1 and program database items 16-17 figure 1), a transmitter for transmitting messages to the portable reproduction device (see transmitter 34A and 34B figure 1), wherein the update control device is arranged to accept input information regarding the blocks to be filtered (col. 2 lines 26-30, lines 43-51, col. 5 lines 59-63, col. 6 lines 57-65, col. 7 lines 63-65, col. 8 lines 51-63, col. 12 lines 26-29, lines 41-46), to prepare update filter blocks from the information and to transmit the update filter blocks to the portable device using the transmitter (col. 5 line 53 – col. 6 line 42).

Regarding claim 10. Nakatsuyama teaches update filter blocks are transmitted using a secure protocol (see item 56 figure 2, col. 6 lines 63-65).

Method claim 11 is rejected for the same reason as apparatus claims 1 and 9 since the recited apparatus would perform the claimed method steps.

Regarding claim 12. Nakatsuyama teaches the transmitting the update filter block to the portable reproduction unit so that it is received on the receiver for receiving broadcast messages (col. 2 lines 26-30, lines 43-51, col. 5 lines 59-63, col. 6 lines 57-65, col. 7 lines 63-65, col. 8 lines 51-63, col. 12 lines 26-29, lines 41-46).

Regarding claim 16. Nakatsuyama teaches a method of broadcasting audio information to waiting individuals provided with a portable reproduction device (col. 1 lines 15-67), comprising:

programming the portable device with a filter block selecting predetermined message streams (col. 2 lines 1-2);

broadcasting audio messages streams (col. 2 lines 13-16);

receiving the broadcast messages on the portable reproduction device (see receiver (item 40 figure 1) for receiving broadcast messages (34 and 36 figure 1));

filtering incoming messages received in the portable reproduction device using a filter under control of the filter block to select only predetermined message streams (col. 6 lines 52-65, col. 7 lines 18-38); and

playing the selected incoming messages selected by the filter block (see item 64 figure 2).

Regarding claim 17. Nakatsuyama teaches wherein one of the predetermined message streams is an announcement message stream for transmitting announcements to the waiting individuals (see stock quote announcements---col. 4 lines 24-30, see classified advertisement announcements---col. 4 lines 46-67, see real time stock prices announced---col. 5 lines 12-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuyama (6,658,231) in view of Sibley (Pub. No.: 2001/0053700).

Regarding claims 4 and 14. Nakatsuyama does not use the term Bluetooth. However, Nakatsuyama teaches an embodiment wherein a wireless communication system is used (see 230 figure 5) allowing for users of portable reproduction unit the ability to request and receive real-time programs (col. 11 lines 42-44).

Sibley also teaches updateable filters for portable reproduction units (figure 3, paragraphs 0044 – 0049). Sibley further also teaches using standard format such as Bluetooth (paragraph 0066) used for local wireless service.

Therefore it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the wireless communication system as taught by Nakatsuyama to use Bluetooth as taught by Sibley for the benefit of allowing standard cellular phones to be used in local area as portable reproduction devices.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2643

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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